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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/051,810	01/18/2002	Peter J. Mikan	UP0111CTI	9045

24212 7590 12/23/2003

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SHELTON, CT 06484-5536

EXAMINER
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AMINZAY, SHAIMA Q

ART UNIT	PAPER NUMBER
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2674

DATE MAILED: 12/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

TS

## Office Action Summary

Application No.

10/051,810

Applicant(s)

MIKAN, PETER J.

Examiner

Shaima Q. Aminzay

Art Unit

2674

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_ 6) ☐ Other: \_\_\_\_.

## ***Detailed Action***

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 3 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 3 line 2, the phrase "said back lit keys" lacks antecedent basis. It appears that the applicant meant for claim 3 to depend from claim 2, correction is requested.

For prior art purposes claim 3 will be treated as filed.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1 and 4-6 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Goodman et al. U. S. Patent: 6,100,875; hereinafter '875.

In regard to claims 1, 4, and 6, see specially Figure 1a, accompanying description in column 1, lines 10-12, 65-68, discuss means for emulating mouse

function using a keypad and connection with a computer; column 3, lines 10-18, 48-68, discuss means for emulating arrow keys particularly, and column 4, lines 29-36 discuss means emulating mouse buttons particularly in regard to limitation "a)", see column 8, lines 28-68 discusses connection to mouse-port of computer. In regard to claim 5, see column 2, lines 10-18.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2-3, and 7-10 are rejected under 35 U.S.C.103(a) as being unpatentable over Goodman et al. U. S. Patent: 6100875 (hereinafter '875) as applied to claim 1, 4-6 above, and in view of Selig et al. U. S. Patent: 6,492,978 B1. (hereinafter '978).
7. Regarding claim 2, 3, 9, and 7, Goodman ('875) teaches the claim elements discussed in claim 1 above and, further teaches that the four arrow keys emulate the right, left, up and down cursor movements (see column 3, lines 45- 60) and keys 120 and 122 (see Figure 1a, column 4, lines 29-36) emulates the left and right mouse buttons but, does not teach or disclose backlit keys or waterproof translucent silicone rubber keys on his keypad.
- However, Selig et al teaches a keypad having, silicon rubber keys (inherently

waterproof) which are disclosed as being translucent for transmitting light there through (see column 4, lines 46-50; column 5, lines 63-68; column 6, lines 5-8 and 41-46).

It would have been obvious to one of ordinary skill in the art to modify the keys of Goodman to be silicone rubber and translucent for transmitting light as taught by Selig and discussed above. It would have been obvious to one of ordinary skill in the art to back light the keys of the Goodman with Selig ('978) translucent keys in order to improve visual identification of the keys (see for example, column 6, lines 45-48)

8. Claim 8 rejection, Goodman teaches that the four arrow keys emulate the right, left, up and down cursor movements (see column 3, lines 45- 60) and keys 120 and 122 (see Figure 1a, column 4, lines 29-36) emulates the left and right mouse buttons, and in regard to claim limitation of "four" or "two" backlit keys, applicant should note that as Selig's ('978) teaching discussed in claims 2 and 7 above and further that each display key may viewed dark or light as desired (see column 6, lines 48-53).
9. In regard to claim 10, Goodman discloses that "in order to receive and process the mouse data correctly the host computer 302 is advantageously equipped with mouse driver software (for example see, column 7, lines 55-65), and further he discuss the mouse driver program to control the "cursor rate" (for example see, column 2, lines 29-37; column 15, lines 20-25), the "power on reset" is a standard well known function that any device with a microprocessor would power the

Application/Control Number: 10/051,810  
Art Unit: 2674

Page 5

system on a reset.

**Conclusion**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

(1) Kocis et al.(U.S. Patent: 5,485,614) disclose the computer with pointing device mapped into keyboard.

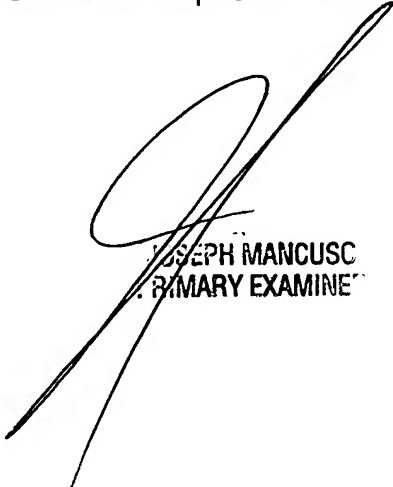
(2) Rudisill (U.S. Patent 5,711,588) discloses the backlit keypad assembly

(3) Yeh (U.S. Patent 6,614,364 B1) disclose the rubber membrane used in a computer keyboard.

(4) Jaaskelainen, Jr. (U.S. Patent 5,963,191) disclose the method and system data processing for graphical user interface.

(5) Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shaima Q. Aminzay whose telephone number is 703-305-8723. The examiner can normally be reached on 7:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JOSEPH MANCUSO can be reached on 703-305-3885. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.



JOSEPH MANCUSO  
PRIMARY EXAMINEE